Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

# UNITED STATES DISTRICT COURT
for the

District of North Dakota

Eastern Division

| | | |
|---|---|---|
| ERIC SMITH | ) | Case No. _____ |
| | ) | |
| | ) | *(to be filled in by the Clerk's Office)* |
| _____ | ) | |
| *Plaintiff(s)* | ) | |
| *(Write the full name of each plaintiff who is filing this complaint.* | ) | Jury Trial: *(check one)* ☐ Yes ☑ No |
| *If the names of all the plaintiffs cannot fit in the space above,* | ) | |
| *please write "see attached" in the space and attach an additional* | ) | |
| *page with the full list of names.)* | ) | |
| -v- | ) | |
| | ) | |
| North Dakota Attorney General | ) | |
| *Drew Wrigley* | ) | |
| | ) | |
| _____ | ) | |
| *Defendant(s)* | ) | |
| *(Write the full name of each defendant who is being sued. If the* | ) | |
| *names of all the defendants cannot fit in the space above, please* | ) | |
| *write "see attached" in the space and attach an additional page* | ) | |
| *with the full list of names.)* | ) | |

## COMPLAINT FOR A CIVIL CASE

### I.    The Parties to This Complaint

#### A.    The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|---|---|
| Name | ERIC SMITH |
| Street Address | 20 S Main St |
| City and County | BOUNTIFUL |
| State and Zip Code | UTAH, 84010 |
| Telephone Number | 305-812-4249 |
| E-mail Address | eric.smithpcs@gmail.com |

#### B.    The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

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Defendant No. 1

| | |
|---|---|
| Name | Drew Wrigley |
| Job or Title *(if known)* | Attorney General |
| Street Address | 600 E. Boulevard Ave. Dept. 125 |
| City and County | Bismarck, Burleigh |
| State and Zip Code | North Dakota, 58505 |
| Telephone Number | 707-328-2210 |
| E-mail Address *(if known)* | ndag@nd.gov |

Defendant No. 2

| | |
|---|---|
| Name | |
| Job or Title *(if known)* | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address *(if known)* | |

Defendant No. 3

| | |
|---|---|
| Name | |
| Job or Title *(if known)* | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address *(if known)* | |

Defendant No. 4

| | |
|---|---|
| Name | |
| Job or Title *(if known)* | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address *(if known)* | |

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## II.    Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power).  Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties.  Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case.  Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than $75,000 is a diversity of citizenship case.  In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

[✔] Federal question                     [ ] Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A.    If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Smith Challenges the Constitutionality of ND Legislative SB 2382. This is a Constitutional Federal Question being challenged under Fed. Rule Civ. Pr. 5.1. This is allowed in Federal Case Law. Sanderson also challenges the Vexatious Litigant statute in NDCC 28 to be too restrictive and vague allowing a judge to be biased and retaliatory towards litigants. Restricting rights and vague statues are Unconstitutional by US Supreme Court rulings. Smith also states that the Court need to order that the state follow its own Constitution where the ND State Constitution clearly states the following. Section 22 All courts shall be open, and every man for any injury done him in his lands, goods, person or

### B.    If the Basis for Jurisdiction Is Diversity of Citizenship

1.    The Plaintiff(s)

a.    If the plaintiff is an individual

The plaintiff, *(name)* _____ , is a citizen of the State of *(name)* _____ .

b.    If the plaintiff is a corporation

The plaintiff, *(name)* _____ , is incorporated under the laws of the State of *(name)* _____ ,

and has its principal place of business in the State of *(name)*

_____ .

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2.    The Defendant(s)

a.    If the defendant is an individual

The defendant, *(name)*  ND Attorney General _____ , is a citizen of the State of *(name)*  North Dakota _____ . Or is a citizen of

*(foreign nation)* _____ .

b.      If the defendant is a corporation

The defendant, *(name)* ND Attorney General _____ , is incorporated under

the laws of the State of *(name)* North Dakota (Gov. ruled a Corporation) , and has its

principal place of business in the State of *(name)* North Dakota _____ .

Or is incorporated under the laws of *(foreign nation)* _____ ,

and has its principal place of business in *(name)* North Dakota _____ .

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3.      The Amount in Controversy

The amount in controversy–the amount the plaintiff claims the defendant owes or the amount at stake–is more than $75,000, not counting interest and costs of court, because *(explain)*:

TBD, Plaintiff is demanding this Federal Court determine under the U.S. Constitution that this is a violation of Constitutional law and demands for an injunction on SB 2382. This leaves the door open to stop all legal action against the State by citizens even when the Government is violating the law! If passed this bill will be brought to the Federal Gov. for a RICO action showing a conspiracy to deprive citizens of their rights by the ND legislature and Governor!. This Court also needs to rule that the State follow the State Constitution as it is written as it is a violation of the

## III.    Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

SB 2382 violates the U.S. & ND Constitution Article I Section 1 taking our inalienable rights away and our liberty to address government overreach and Smith's happiness and Section 2 which all political power is inherent in the PEOPLE as well as Section 3 discriminating against Smith and Section 13 the right to a jury trial! The right to be treated with fairness and without Bias from judges in ND which we know full well are corrupt! Smith can list more but if this is not enough for a court to rule this bill to be unconstitutional nothing will be enough. This bill is being written for Sanderson directly as in legislative testimony and other Pro Se Litigants! This bill is also a violation of the 14th Amendment as well. This Court needs to order that the state start to follow its own constitution and the US Constitution.

## IV.    Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

For the Federal District Judge to Grant an Injunction and rule SB 2382 unconstitutional and the Vexatious Litigant Statute to be unconstitutional in part or its entirety It violates the US Constitution and the North Dakota State Constitution. The ND Judiciary has proven itself to be corrupt and wants this bill passed to crush the people from bringing legal action against state actors who violate the law. All ND judges have sworn an Oath to uphold the US Constitution and the ND Constitution and all State laws. So have Federal Judges and it happens all too often!!! One cannot take an Oath to do this and then violate the Oath for if a Judge violates their Oath they have committed Treason. Smith demands an Injunction on SB 2382 until this case is adjudicated.

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Smith has standing as his Custody Case is based out of north dakota and he has had a case where the city of bismarck tried to label him vexatious in a case to prevent him from going to the ND Supreme Court where he won and the case was remanded to district court to fix the errors.

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## V.    Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A.    For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case–related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:            03/15/2025

Signature of Plaintiff      Eric Smith
Printed Name of Plaintiff   Eric Smith

### B.    For Attorneys

Date of signing:

Signature of Attorney
Printed Name of Attorney
Bar Number
Name of Law Firm
Street Address
State and Zip Code
Telephone Number
E-mail Address